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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOANG MINH DOAN,  
HOANG VAN TRAN,  
HUONG L. QUACH

Defendants.

NO. CR00-564R

DEFENDANT DOAN'S MOTION  
TO SUPPRESS EVIDENCE AND  
MEMORANDUM IN SUPPORT  
OF MOTION

NOTE FOR: JULY 13, 2001  
EVIDENTIARY HEARING IS  
NECESSARY

**I. MOTION**

COMES NOW the defendant, Hoang Minh Doan, through his attorneys, Jeffrey D. Cohen and Jeffrey L. Kradel, pursuant to Federal Rule of Criminal Procedure 12(b)(3), and the Fourth Amendment to the United States Constitution, and moves this court for an order suppressing all evidence seized on November 22, 2000, during a warrantless search of 15814 SE 171<sup>st</sup> Place in Renton, Washington, and all evidence seized from that same location pursuant to a search warrant which was obtained by exploitation of the evidence gathered during the initial warrantless search.

DATED: June 11, 2001.

COHEN & IARIA  
Attorneys for Defendant  
by:

  
Jeffrey L. Kradel  
WSBA No. 26767

CR 00-00564 #00000100

**ORIGINAL**

**MOTION TO SUPPRESS EVIDENCE AND  
MEMORANDUM IN SUPPORT - 1**

**COHEN & IARIA**  
Hillclimb Court, Suite 108  
1425 Western Avenue  
Seattle, Washington 98101  
206-624-9694

(100)

## II MEMORANDUM

### A. Relevant Facts

According to written reports submitted by the investigating agents in this case, on November 22, 2000, agents of a joint state and federal task force arrested Khanh Dang based upon information provided by two confidential informants. After arresting Mr. Dang, agents performed a search of Dang's vehicle, discovering marijuana and currency. Dang agreed to take the agents to the home of his "partner." The partner was identified as Hoang Doan. Dang led the agents to a house at 15814 SE 171<sup>st</sup> Place in Renton, Washington.

Upon arrival at Doan's residence, DEA Special Agent (SA) John Satchell and Task Force Officers Steve Pigman and Wally Anderson went to the front door and knocked. SA Satchell looked through a window at the top of the door and saw a female, later identified as Huong Quach approach. SA Satchell asked through the door if she would speak with him. At that time a male, later identified as Hoang Doan, approached the door from inside. SA Satchell held his badge up to the window at again stated that he wanted to talk with the occupants. Doan responded by asking to "see the warrant." SA Satchell responded that he did not have a warrant. As SA Satchell and the other agents made demands that Doan "show his hands" and open the door, Doan continued to yell that he "wanted to see the warrant." When Doan refused to open the door the agents forced their way into the home by, essentially, breaking the door down.

Once inside the home the agents took a photo of Mr. Doan. That photo was then shown to Dang and the two informants, who identified the individual as Hoang Doan. All identified Doan as having been a participant with them in the sale of large amounts of marijuana. This information was then utilized to obtain a search warrant for the residence at 15814 S.E. 171<sup>st</sup> Place in Renton. The search warrant was authorized by King County District Court Judge Vicki Seitz based upon the sworn statement of Detective Wilfred Yulfo of the Seattle Police Department.

### B. Argument

1 All Evidence Discovered As a Result of The Warrantless Entry Into Mr. Doan's Home Must be Suppressed.

1 As a general rule, warrantless searches and seizures are per se unreasonable Coolidge v  
 2 New Hampshire, 403 U.S. 443, 29 L. Ed. 2d 564, 91 S. Ct. 2022 (1971). There are a few "'jealously  
 3 and carefully drawn' exceptions" to the warrant requirement Arkansas v. Sanders, 442 U.S. 753,  
 4 759, 61 L. Ed. 2d 235, 99 S. Ct. 2586 (1979). The burden is on the prosecutor to show that a  
 5 warrantless search or seizure falls within one of those exceptions. If the prosecution cannot meet  
 6 that burden, all evidence obtained as a result of the search must be suppressed. United States v  
 7 Jamerson, 549 F.2d 1263, 1270 (9<sup>th</sup> Cir. 1977). That burden cannot be met in this case.

8 At the time the government agents broke into Mr. Doan's residence, they did not have any  
 9 information that the residence contained evidence or weapons. They had no information to support  
 10 a reasonable suspicion that Mr. Doan or his wife, Huong Quach, were armed or in any way presented  
 11 a threat to the safety of the agents. The only potential for a dangerous situation was created when  
 12 the agents forced their way into the private residence. This was after their request to be admitted was  
 13 denied by the homeowners and after the homeowners requested that the agents demonstrate their  
 14 lawful authority for requesting admittance, namely, a search warrant. There were no exigent  
 15 circumstances justifying the unlawful entry into Doan's home.

16 The agents exploited their unlawful entry into the home by taking a photograph of Mr. Doan  
 17 and questioning him at length about unlawful activities. The photograph was shown to the other  
 18 suspects in the case, and their identification of Doan as a co-conspirator was then presented as the  
 19 basis for requesting a warrant to search Doan's home.<sup>1</sup> Doan also made statements to the agents  
 20 which were then utilized in obtaining a search warrant for a residence at 2806 South Hudson Street  
 21 in Seattle where marijuana was discovered and Mr. Doan's original co-defendant, Toan Nguyen, was  
 22 arrested.<sup>2</sup> The identification of Doan by Dang and the informants, the search warrant based upon  
 23 that identification, and the evidence found in the search of Nguyen's residence are all "fruits" of the  
 24

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25 <sup>1</sup> A copy of the Affidavit in Support of the Search Warrant and the warrant itself are attached  
 26 to this motion as Appendix A.

27 <sup>2</sup> A copy of that search warrant and supporting affidavit are attached as Appendix B.  
 28

1 initial unlawful entry into Doan's home. All of the evidence gathered as a result of those fruits must  
2 be suppressed. Wong Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed. 2d 441 (1963).

3  
4 2. The Search Warrant Authorizing The Search of Mr. Doan's Home Was Issued In the  
5 Absence of Probable Cause to Believe Evidence of a Crime Was Contained Within  
6 that Residence.

7 "Probable cause exists when there is a 'fair probability,' given the totality of the  
8 circumstances, that contraband or evidence of a crime will be found in a particular place." Illinois  
9 v. Gates, 462 U.S. 213, 238, 76 L. Ed. 2d 527, 103 S. Ct. 2317 (1983). In this case the question  
10 becomes whether the information provided to King County District Court Judge Vicki Seitz was  
11 sufficient to find a "fair probability" that evidence of the crime of Violation of the Uniformed  
12 Controlled Substance Act could be found in the house at 15814 171<sup>st</sup> Place in Renton.

13 There was no information provided in the affidavit of Detective Wilfred Yulfo, submitted  
14 in support of the search warrant application, upon which to base a finding that there was any  
15 probability that evidence of a crime was within the house in Renton. This is particularly true if  
16 information gathered during the warrantless search of that house is excised from the affidavit. If the  
17 identification of Mr. Doan's photograph by Dang and the two informants is removed, there is no  
18 relationship established between the information provided regarding marijuana sales and possession  
19 and Mr. Doan. Even with that information included, there is a total absence of facts from which the  
20 issuing judge could conclude that the residence at 15814 S.E. 171<sup>st</sup> Place in Renton contained  
21 evidence of a crime.

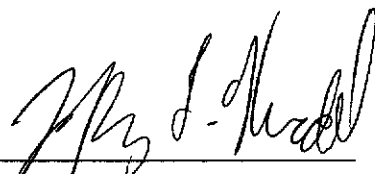
22 **C. Conclusion**

23 All of the evidence seized by the government during the searches of 15814 S.E. 171<sup>st</sup> Place  
24 in Renton, Washington, must be suppressed. Any evidence which the government discovered as a  
25 direct result of those searched should be suppressed as well.

26 Mr. Doan respectfully requests the opportunity to submit additional authority following the  
27 anticipated evidentiary hearing on this motion.

1 DATED this 11 day of June, 2001.

2  
3 COHEN & IARIA  
4 Attorneys for Defendant  
5 by:

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8 \_\_\_\_\_  
9 Jeffrey L. Kradel  
10 WSBA #26767  
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**MOTION TO SUPPRESS EVIDENCE AND  
MEMORANDUM IN SUPPORT - 5**

**COHEN & IARIA  
Hillclimb Court, Suite 108  
1425 Western Avenue  
Seattle, Washington 98101  
206-624-9694**

## APPENDIX A

**United States v. Hoang Doan, et. al., No. CR00-564R**  
**Defendant Doan's Motion to Suppress Evidence**

*Dist. Ct.* COURT FOR KING COUNTY

STATE OF WASHINGTON )  
 )  
 COUNTY OF KING )

ss

Affidavit of Detective *Jonathan Haley*  
 for Search Warrant Pursuant  
 To RCW 69.50.505

**The undersigned on oath states: I believe that:**

- (X) Evidence of the crime(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCES ACT
- (X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- (X) Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- (X) A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person

For the residence described as a beige house with white trim located at 15814 S.E. 171st Place, in the City of Renton, County of King, and the State of Washington

My belief is based on the following facts and circumstances

**AFFIANTS EXPERIENCE**

Your affiant is a Police Officer with the Seattle Police Department and has been so for over *nine years*. During that period of time the affiant has been a Detective for over *four years* and of that time the affiant has been a Task Force Agent with D E A for over *six months*. The affiant has been involved in over *two hundred* narcotic related cases, most of which were at the dealer/supplier level. The affiant has attended several specialty schools with an emphasis on the investigation of *narcotic related cases*. The affiant is currently assigned to the D E A/ HIDTA Transportation Group, in SeaTac, Washington. Based on this training and experience, the affiant is able to recognize various narcotics, and is familiar as how it is packaged and sold.

**INFORMANTS/ COOPERATING WITNESSES**

The two informants have cooperated with the D E A. During this time the informants have proven reliable in the following manner, by furnishing names, addresses, and detailed information of people who are currently trafficking in controlled substances. I have been able to verify this information through police files and/or personal knowledge. These informants are familiar with controlled substances through over six months of distributing marijuana and association with persons who use/sell controlled substances.

### ITEMS TO BE SEIZED

Any controlled substance as defined in RCW 69 50 , specifically marijuana, narcotics paraphernalia, items used in the weighing and packaging of controlled substances, papers of dominion and control over the premise, photographs, electronic storage devices to include computers, fax machine, answering machines, storage disk, etc , records of narcotic sales, money or other proceeds from illegal narcotics activity, weapons, and/or vehicles

### DESCRIPTION OF OVERT ACTS/VIOLATIONS

The informants identified as Wally J Humphreys and Cory D Daggett were arrested on November 21, 2000, in connection with a marijuana distribution investigation by Detective Sean Bennett of the Salem Police Department Humphreys and Daggett volunteered to assist Detective Bennett by providing any information they had about their supplier of marijuana Humphreys and Daggett stated that they bought an average of 80 to 100 pounds of marijuana per week from two Asian males known to them as "Hong" and the other as "Kong" Humphreys and Daggett told Detective Bennett that they owed "Hong" and "Kong" money for their previous purchase, and were going to pick up an additional forty pounds of marijuana from "Hong" and "Kong" on November 22, 2000, in Renton, Washington Detective Daggett and members of the Task Force contacted D E A Special Agent Jack Smalley and explained the preceeding circumstances and requested the assistance of the D E A Task Force, in SeaTac, Washington The operation to apprehend "Hong" and "Kong" had Humphreys and Daggett follow through with their meeting with "Hong" and "Kong", after Humphreys was directed to contact "Kong" via telephone Humphreys then identified "Kong", to Detective Jonathan Haley when he arrived at the predetermined location chosen by "Kong" "Kong" was then taken into custody and identified as Khanh Cong Dang. Washington State Trooper Cooper applied his K-9 dog to the vehicle that "Kong" arrived in Trooper Cooper stated to Sergeant Michael Cassaday that his dog indicated that there was a odor of narcotics from the trunk of "Kong's" vehicle The trunk was opened by D E A Special Agent John Satchell Inside the trunk was seized a large duffel bag containing thirty one plastic bags of suspected marijuana Each bag contained approximately 500 grams of suspected marijuana The suspected marijuana was field tested by Special Agent Jack Smalley The test yielded a positive result for marijuana Also seized from the trunk was approximately twenty five thousand dollars (U S currency) "Kong" stated to Special Agent John Satchell that he wanted to cooperate by taking the Agent where his partner, "Hong", lived "Hong" directed Special Agent John Satchell to 15814 S E 171st Place, in the city of Renton Special Agent John Satchell knocked on the front door of 15814 S E 171st Place Through a window of the front door Special Agent John Satchell saw an Asian female Special Agent John Satchell asked the Asian female if she would talk to him Moments later an Asian male came into Special Agent John Satchell's view Special Agent John Satchell put his badge up in the window of the front door and again asked if the Asian couple would open the door and speak to him. The Asian male responded by yelling "Oh Shit!" and yelled a phrase in a foreign language, presumably



Vietnamese The Asian female responded by running out of sight of Special Agent John Satchell, while the Asian male stood in the room beyond the front door. Special Agent John Satchell could not see the Asian male's hands and failed at numerous requests to make his hands visible to Special Agent John Satchell. Special Agent John Satchell feared that the female may either have been retrieving a weapon or destroying evidence and it was unclear whether the Asian male had a weapon. Subsequently the front door was breached, and the residence secured. A photograph was taken of the Asian male in the house, the photograph was shown to Khanh Cong Dang a.k.a. "Kong", Humphreys and Daggett. All identified him as "Hong".

### OTHER SUPPORTIVE EVIDENCE SUPPORTING SEARCH OR ITS SCOPE

Based upon my background, training and experience as previously detailed in the affidavit, I know

- That drug traffickers have on their person and/or premises narcotics and/or drug paraphernalia
- That narcotic traffickers often deliver and sell narcotics in or from vehicles
- That drug traffickers commonly secure contraband, proceeds of drugs sales, narcotics, weapons, and records of drug transactions in storage lockers for their ready access and to conceal them from law enforcement
- That narcotics traffickers maintain books, records, receipts, notes, ledgers, airline tickets, money orders, cashiers checks and other papers relating to the transportation, ordering, possession, purchase, sale, transfer and information of controlled substances
- That the aforementioned books, records, receipts, notes, ledger, etc., are maintained where the narcotics traffickers have ready access to them, i.e., on their persons, in their vehicles, or about their residences
- That I know that it is common for dealers to secret contraband, proceeds of drug sales, and records of drug transactions in secure locations on their person, within or around their residences, or in the their vehicles, for ready access or to conceal them from law enforcement authorities
- That I know that persons involved in drug trafficking conceal on their persons, within or around their residences and vehicles caches of drugs, large amount of currency, financial instruments, precious metals, jewelry, and other items of value and/or proceeds of drug transactions, and evidence of financial transactions relating to obtaining, transferring, secreting, or spending of large sums of money made from engaging in narcotics trafficking activities
- That I know that narcotics traffickers commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses and/or telephone numbers for their associates in the trafficking organization, these books or papers include such items as address books, slips or paper, telephone messages, in and on correspondence, etc. i.e., shortened and/or code names are sometimes used for weights, buyers, and the names of suppliers and/or customers of the narcotics trafficker
- That I know that drug traffickers take, or cause to be taken, photographs of them, their associates, their property, cash, and assets and their product. That these traffickers usually maintain these photographs in their possession, particularly in their residences
- That I know that narcotics traffickers usually keep paraphernalia for packaging, cutting, weighing, and distributing of their product. That paraphernalia includes, but is not limited to, scales, plastic bags and cutting agents
- That Narcotics traffickers frequently utilize such communication devices such as pagers, mobile telephones, telephone answering machines within their drug trafficking business, and that they often utilize electronic equipment such as computers, telex machines, facsimile machines, currency counting machines, computer watches, and related manuals to generate, transfer, count, record, and/or store

information about their drug trafficking activities and/or information evidencing their participation in, or gains from, their drug trafficking activities, and /or their financial affairs

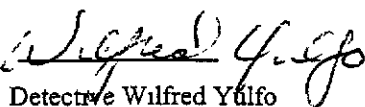
- That drug dealers maintain in their residences financial type record which, when analyzed, will show that their accumulation and expenditures of money and assets substantially exceeds any legitimate income, I am aware that the courts have recognized that unexplained wealth is probative evidence of crimes motivated by greed, in particular, trafficking in narcotics
- That drug dealers maintain in their residences and vehicles and on their persons weapons (including ammunition and holster) to protect themselves from apprehension by law enforcement and from other drug traffickers
- That drug traffickers commonly secure contraband, proceeds of drugs sales, narcotics, weapons, and records of drug transactions in storage lockers for their ready access and to conceal them from law enforcement
- That drug traffickers commonly use alias when renting and purchasing property to conceal their conduct from law enforcement.
- That drug traffickers very often place assets in names other than their own to avoid detection of these assets by law enforcement agencies
- That even though these assets are in other person's names, the drug dealers continue to use these assets and exercise dominion and control over the assets
- That narcotics traffickers commonly "front" (provide on consignment) controlled substance to their clients
- Records are usually recorded in units of weight and monetary values, associated with pounds, kilos, ounces or other such units of measurement and dollar amounts making it easier to carry on day-to-day business
- That I know that when drug traffickers amass proceeds from the sale of drugs, that the drug traffickers attempt to legitimize these profits
- That I know that to accomplish these goals, drug traffickers utilize, including, but not limited to, foreign and domestic banks and their attendant services, securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, shell corporations, and business front.
- That I know that it is common for narcotics traffickers to travel, or have their associates travel, to major distribution centers, including Mexico, to purchase narcotics
- That I know that the methods of transportation include, but are not limited to, commercial airlines, private airplanes, rental automobiles, private automobiles, government and contract mail carriers
- I understand that the courts have recognized that narcotics traffickers commonly keep evidence of their crimes at their place of residence See St v Gross, 57 Wa App 549(1990), U S v Freeman, 685 F 2d 942, 950 5<sup>th</sup> Cir (1992), U S v Dubrofsky, 581 f2d. 208 9<sup>th</sup> cir (1978)

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166 **PLACES TO BE SEARCHED**

167 Based on the above, I believe that evidence of the crime Violation of the Uniform Controlled Substance  
 168 Act is located at **15814 S.E. 171st Place, in the City of Renton, County of King, and the State of**  
 169 **Washington**, that a search warrant should be issued directing that a search of said premise and/or  
 170 vehicle(s) located at/in/on said premises That controlled substances, specifically marijuana, be seized,  
 171 together with evidence relating to occupancy and/or ownership of said premise, evidence relating to drug  
 172 operations and wealth, writings, paraphernalia, moneys and firearms associated to the use and/or sale of  
 173 controlled substances

174 "I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and  
 175 correct"

176   
 177 Detective Wilfred Yulfo

11/22/2000 - 2:07 HRS  
 Date/Time

178 Seattle Police Department

179  
 180 Reviewed by

181  
 182  
 183                       
 184 King County Prosecutors Office

185  
 186 Subscribed and Sworn to before me in my presence, this 22 day of Nov 2000

187  JUDGE KCD COURT  
 188  
 189 SW Det,  
 190

*District* COURT FOR KING COUNTY

STATE OF WASHINGTON     )  
                                      )  
COUNTY OF KING         )         ss         No.  
                                      )         Search Warrant

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint, the affidavit for which is incorporated by reference herein, made before me there is probable cause to believe that the crime(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCE ACT has been committed and that evidence of that crime, or contraband, the fruits of crime, or things otherwise criminally possessed, or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, or a person for whose arrest there is probable cause, or who is unlawfully restrained is/are concealed in or on certain premises, vehicles or persons

YOU ARE COMMANDED to

- 1 Search, within 3 days of this date, the premises, vehicle or person described as follows  
For the residence described as a beige house with white trim located at 15814 S.E. 171st Place and/or vehicle(s) located at/in/on said premise, in the City of Renton, County of King, and the State of Washington
- 2 Seize, if located, the following property or person(s)  
Marijuana, and items used in the preparation, weighing and packaging of controlled substances, records of sales, records of customers indicative of narcotics trafficking, papers of dominion and control over a residence, money proceeds from the sales of controlled substances, and weapons used to guard and protect said money and controlled substances
- 3 Promptly return this warrant to me or the clerk of this court, the return must include an inventory of all property seized

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date/Time 22 November 2000 9:10 p.m.

JUDGE

Vicki Seitz  
VICKI SEITZ

Printed or Typed Name of Judge

( ) This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2 10 and CrR 2 3,

on , 19 at m

Detective Wilfred Yulfo, Seattle Police Department

Printed or Typed Name of Peace

Officer, Agency and Personnel

Number

\_\_\_\_\_  
Signature of Peace Officer Authorized

to Affix Judge's Signature to Warrant

## APPENDIX B

**United States v. Hoang Doan, et. al., No. CR00-564R**  
**Defendant Doan's Motion to Suppress Evidence**

## COURT FOR KING COUNTY

STATE OF WASHINGTON )  
 )  
 COUNTY OF KING )

ss

Affidavit of Detective <sup>WILKINSON</sup> Jonathan Haley  
 for Search Warrant Pursuant  
 To RCW 69.50.505

## The undersigned on oath states: I believe that:

- (X) Evidence of the crimes(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCES ACT
- (X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- (X) Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- (X) A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person

For the residence described as a red brick house with white trim located at 2806 S. Hudson Street, in the City of Seattle, County of King, and the State of Washington Also for the person in the residence known as "Thang" an Asian male

My belief is based on the following facts and circumstances

**AFFIANTS EXPERIENCE**

Your affiant is a Police Officer with the Seattle Police Department and has been so for over *nine years*. During that period of time the affiant has been a Detective for over *four years* and of that time the affiant has been a Task Force Agent with D E A for over *six months*. The affiant has been involved in over *two hundred* narcotic related cases, most of which were at the dealer/supplier level. The affiant has attended several specialty schools with an emphasis on the investigation of *narcotic related cases*. The affiant is currently assigned to the D E A/ HIDTA Transportation Group, in SeaTac, Washington. Based on this training and experience, the affiant is able to recognize various narcotics, and is familiar as how it is packaged and sold

**INFORMANTS/ COOPERATING WITNESSES**

The two informants have cooperated with the D E A. During this time the informants have proven reliable in the following manner, by furnishing names, addresses, and detailed information of people who are currently trafficking in controlled substances. I have been able to verify this information through police files and/or personal knowledge. These informants are familiar with controlled substances through over six months of distributing marijuana and association with persons who use/sell controlled substances

39 **ITEMS TO BE SEIZED**

40 Any controlled substance as defined in RCW 69 50 , specifically marijuana, narcotics paraphernalia, items  
 41 used in the weighing and packaging of controlled substances, papers of dominion and control over the  
 42 premise, photographs, electronic storage devices to include computers, fax machine, answering machines,  
 43 storage disk, etc , records of narcotic sales, money or other proceeds from illegal narcotics activity,  
 44 weapons, and/or vehicles

45 **DESCRIPTION OF OVERT ACTS/VIOLATIONS**

46 The informants identified as Wally J Humphreys and Cory D Daggett were arrested on November 21,  
 47 2000, in connection with a marijuana distribution investigation by Detective Sean Bennett of the Salem  
 48 Police Department Humphreys and Daggett volunteered to assist Detective Bennett by providing any  
 49 information they had about their supplier of marijuana Humphreys and Daggett stated that they bought an  
 50 average of 80 to 100 pounds of marijuana per week from two Asian males known to them as "Hong" and  
 51 the other as "Kong" Humphreys and Daggett told Detective Bennett that they owed "Hong" and "Kong"  
 52 money for their previous purchase, and were going to pick up an additional forty pounds of marijuana from  
 53 "Hong" and "Kong" on November 22, 2000, in Renton, Washington Detective Daggett and members of  
 54 the Task Force contacted D E A Special Agent Jack Smalley and explained the preceeding circumstances  
 55 and requested the assistance of the D E A Task Force, in SeaTac, Washington The operation to apprehend  
 56 "Hong" and "Kong" had Humphreys and Daggett follow through with their meeting with "Hong" and  
 57 "Kong", after Humphreys was directed to contact "Kong" via telephone Humphreys then identified  
 58 "Kong", to Detective Jonathan Haley when he arrived at the predetermined location chosen by "Kong"  
 59 "Kong" was then taken into custody and identified as Khanh Cong Dang Washington State Trooper  
 60 Cooper applied his K-9 dog to the vehicle that "Kong" arrived in Trooper Cooper stated to Sergeant  
 61 Michael Cassaday that his dog indicated that there was a odor of narcotics from the trunk of "Kong's"  
 62 vehicle The trunk was opened by D E.A. Special Agent John Satchell Inside the trunk was seized a large  
 63 duffel bag containing thirty one plastic bags of suspected marijuana Each bag contained approximately  
 64 500 grams of suspected marijuana The suspected marijuana was field tested by Special Agent Jack  
 65 Smalley The test yielded a positive result for marijuana. Also seized from the trunk was approximately  
 66 twenty five thousand dollars (U S currency) "Kong" stated to Special Agent John Satchell that he wanted  
 67 to cooperate by taking the Agent where his partner, "Hong", lived "Hong" directed Special Agent John  
 68 Satchell to 15814 S E 171st Place, in the city of Renton Special Agent John Satchell knocked on the front  
 69 door of 15814 S E 171st Place Through a window of the front door Special Agent John Satchell saw an  
 70 Asian female Special Agent John Satchell asked the Asian female if she would talk to him. Moments later  
 71 an Asian male came into Special Agent John Satchell's view Special Agent John Satchell put his badge up  
 72 in the window of the front door and again asked if the Asian couple would open the door and speak to him  
 73 The Asian male responded by yelling "Oh Shit!" and yelled a phrase in a foreign language, presumably



Vietnamese The Asian female responded by running out of sight of Special Agent John Satchell, while the Asian male stood in the room beyond the front door. Special Agent John Satchell could not see the Asian male's hands and failed at numerous requests to make his hands visible to Special Agent John Satchell. Special Agent John Satchell feared that the female may either have been retrieving a weapon or destroying evidence and it was unclear whether the Asian male had a weapon. Subsequently the front door was breached, and the residence secured. A photograph was taken of the Asian male in the house, the photograph was shown to Khanh Cong Dang a k a "Kong", Humphreys and Daggett. All identified him as "Hong". As a result of the aforementioned information a search warrant was obtained and executed at 15814 S E 171st Place, in the city of Renton. During the search approximately 12 pounds of suspected marijuana and several thousand dollars was seized. The suspect known as "Hong" was identified as Hoang Minh Doan. Both suspects Dang, a k a "Kong" and Doan, a k a "Hong" stated independently of each other that their supplier was an Asian male known to them as "Thang". Dang, a k a "Kong" directed D E A Special Agent John Satchell to "Thang's" address. Dang stated to Agent John Satchell that he had been in the house the previous day, November 21, 2000, and picked up two pounds of marijuana from "Thang". The address was on South Hudson Street, in the city of Seattle. The house is described as a red brick house with white trim, the number "2806" was visible on the outside of the house.

#### OTHER SUPPORTIVE EVIDENCE SUPPORTING SEARCH OR ITS SCOPE

Based upon my background, training and experience as previously detailed in the affidavit, I know

- That drug traffickers have on their person and/or premises narcotics and/or drug paraphernalia
- That narcotic traffickers often deliver and sell narcotics in or from vehicles
- That drug traffickers commonly secure contraband, proceeds of drugs sales, narcotics, weapons, and records of drug transactions in storage lockers for their ready access and to conceal them from law enforcement
- That narcotics traffickers maintain books, records, receipts, notes, ledgers, airline tickets, money orders, cashiers checks and other papers relating to the transportation, ordering, possession, purchase, sale, transfer and information of controlled substances
- That the aforementioned books, records, receipts, notes, ledger, etc, are maintained where the narcotics traffickers have ready access to them, i e, on their persons, in their vehicles, or about their residences
- That I know that it is common for dealers to secret contraband, proceeds of drug sales, and records of drug transactions in secure locations on their person, within or around their residences, or in the their vehicles, for ready access or to conceal them from law enforcement authorities
- That I know that persons involved in drug trafficking conceal on their persons, within or around their residences and vehicles caches of drugs, large amount of currency, financial instruments, precious metals, jewelry, and other items of value and/or proceeds of drug transactions, and evidence of financial transactions relating to obtaining, transferring, secreting, or spending of large sums of money made from engaging in narcotics trafficking activities
- That I know that narcotics traffickers commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses and/or telephone numbers for their associates in the trafficking organization, these books or papers include such items as address books, slips or paper, telephone

116 messages, in and on correspondence, etc. i.e., shortened and/or code names are sometimes used for  
 117 weights, buyers, and the names of suppliers and/or customers of the narcotics trafficker  
 118 • That I know that drug traffickers take, or cause to be taken, photographs of them, their associates, their  
 119 property, cash, and assets and their product. That these traffickers usually maintain these photographs  
 120 in their possession, particularly in their residences  
 121 • That I know that narcotics traffickers usually keep paraphernalia for packaging, cutting, weighing, and  
 122 distributing of their product. That paraphernalia includes, but is not limited to, scales, plastic bags and  
 123 cutting agents.  
 124 • That Narcotics traffickers frequently utilize such communication devices such as pagers, mobile  
 125 telephones, telephone answering machines within their drug trafficking business, and that they often  
 126 utilize electronic equipment such as computers, telex machines, facsimile machines, currency counting  
 127 machines, computer watches, and related manuals to generate, transfer, count, record, and/or store  
 128 information about their drug trafficking activities and/or information evidencing their participation in,  
 129 or gains from, their drug trafficking activities, and/or their financial affairs  
 130 • That drug dealers maintain in their residences financial type record which, when analyzed, will show  
 131 that their accumulation and expenditures of money and assets substantially exceeds any legitimate  
 132 income, I am aware that the courts have recognized that unexplained wealth is probative evidence of  
 133 crimes motivated by greed, in particular, trafficking in narcotics  
 134 • That drug dealers maintain in their residences and vehicles and on their persons weapons (including  
 135 ammunition and holster) to protect themselves from apprehension by law enforcement and from other  
 136 drug traffickers  
 137 • That drug traffickers commonly secure contraband, proceeds of drugs sales, narcotics, weapons, and  
 138 records of drug transactions in storage lockers for their ready access and to conceal them from law  
 139 enforcement  
 140 • That drug traffickers commonly use alias when renting and purchasing property to conceal their  
 141 conduct from law enforcement  
 142 • That drug traffickers very often place assets in names other than their own to avoid detection of these  
 143 assets by law enforcement agencies  
 144 • That even though these assets are in other person's names, the drug dealers continue to use these assets  
 145 and exercise dominion and control over the assets  
 146 • That narcotics traffickers commonly "front" (provide on consignment) controlled substance to their  
 147 clients  
 148 • Records are usually recorded in units of weight and monetary values, associated with pounds, kilos,  
 149 ounces or other such units of measurement and dollar amounts making it easier to carry on day-to-day  
 150 business.  
 151 • That I know that when drug traffickers amass proceeds from the sale of drugs, that the drug traffickers  
 152 attempt to legitimize these profits  
 153 • That I know that to accomplish these goals, drug traffickers utilize, including, but not limited to,  
 154 foreign and domestic banks and their attendant services, securities, cashier's checks, money drafts,  
 155 letters of credit, brokerage houses, real estate, shell corporations, and business front  
 156 • That I know that it is common for narcotics traffickers to travel, or have their associates travel, to  
 157 major distribution centers, including Mexico, to purchase narcotics  
 158 • That I know that the methods of transportation include, but are not limited to, commercial airlines,  
 159 private airplanes, rental automobiles, private automobiles, government and contact mail carriers  
 160 • I understand that the courts have recognized that narcotics traffickers commonly keep evidence of their  
 161 crimes at their place of residence. See St v Gross, 57 Wa. App 549(1990), U S v Freeman, 685 F  
 162 2d 942, 950 5<sup>th</sup> Cir (1992), U S v Dubrofsky, 581 f2d 208 9<sup>th</sup> cir (1978)

**PLACES TO BE SEARCHED**

Based on the above, I believe that evidence of the crime Violation of the Uniform Controlled Substance Act is located at For the residence described as a red brick house with white trim located at 2806 S. Hudson Street, also for the person in the residence known as "Thang" an Asian male., that a search warrant should be issued directing that a search of said premise and/or vehicle(s) located at/in/on said premises That controlled substances, specifically marijuana, be seized, together with evidence relating to occupancy and/or ownership of said premise, evidence relating to drug operations and wealth, writings, paraphernalia, moneys and firearms associated to the use and/or sale of controlled substances " I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct"

Wilfred Yulfo  
Detective Wilfred Yulfo

11/23/2000 - 0008 HRS  
Date/Time

Seattle Police Department

Reviewed by

                      
King County Prosecutors Office

Subscribed and Sworn to before me in my presence, this 23 day of Nov, 2000

KCDC COURT  
SW Det,  
JUDGE

\_\_\_\_\_  
COURT FOR KING COUNTY

STATE OF WASHINGTON	)		No.
	)	ss	
COUNTY OF KING	)		Search Warrant

**TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:**

Upon the sworn complaint, the affidavit for which is incorporated by reference herein, made before me there is probable cause to believe that the crime(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCE ACT has been committed and that evidence of that crime, or contraband, the fruits of crime, or things otherwise criminally possessed, or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained is/are concealed in or on certain premises, vehicles or persons


YOU ARE COMMANDED to:

- 1 Search, within 3 days of this date, the premises, vehicle or person described as follows.  
For the residence described as a red brick house with white trim located at 2806 S. Hudson Street, in the City of Seattle, County of King, and the State of Washington Also for the person in the residence known as "Thang" an Asian male, and/or vehicle(s) located at/in/on said premise.
- 2 Seize, if located, the following property or person(s)  
Marijuana, and items used in the preparation, weighing and packaging of controlled substances, records of sales, records of customers indicative of narcotics trafficking, papers of dominion and control over a residence, money proceeds from the sales of controlled substances, and weapons used to guard and protect said money and controlled substances
- 3 Promptly return this warrant to me or the clerk of this court, the return must include an inventory of all property seized

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date/Time: 23 Nov. 2000

JUDGE

  
VICKI SEITZ

Printed or Typed Name of Judge

( ) This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2 10 and CrR 2 3,

on , 19 at m

Detective Wilfred Yulfo, Seattle Police Department

Printed or Typed Name of Peace

Officer, Agency and Personnel

Number

\_\_\_\_\_  
Signature of Peace Officer Authorized

to Affix Judge's Signature to Warrant

DECLARATION OF SERVICE

I, KELLI HOPE, do hereby declare:

1. That I am over the age of eighteen years and that I am now and at all times relevant was a citizen of the United States and resident in the State of Washington.

2. That on the 12th day of June, 2001, I served a copy of DEFENDANT DOAN'S MOTION TO SUPPRESS EVIDENCE AND MEMORANDUM IN SUPPORT OF MOTION, and a copy of this Declaration of Service on all counsel of record by depositing them in the U.S. Mail, first class postage prepaid.



Kelli Hope

ORIGINAL

MOTION TO SUPPRESS EVIDENCE AND  
MEMORANDUM IN SUPPORT - 6

COHEN & IARIA  
Hilclimb Court, Suite 108  
1425 Western Avenue  
Seattle, Washington 98101  
206-624-9694